

### **REMARKS**

The Applicant thanks the Examiner for the helpful telephone interview on September 18, 2007 in which Claims 1 and 16 were discussed in view of the cited prior art. Claims 1 and 16 have been amended in view of the discussion with the Examiner.

Claims 1, 3-18 and 20-40 are pending in the application. In the Office Action at hand, Claims 4, 7-15 and 21-40 are withdrawn from consideration, and Claims 1, 3, 5, 6, 16-18 and 20 are rejected.

In particular, Claims 1, 5, 6, and 16-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Melton in view of JP 57152438. Also, Claims 3 and 20 are rejected under Section 103(a) as being unpatentable over Melton, JP 57152438 and Beal. Finally, Claims 1, 3, 5, 6, 16-18 and 20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 and 3-6 of copending Application No. 10/744,326. In response to the Section 103(a) rejections, and the obvious-type double patenting rejection, the Applicants respectfully submit that Claims 1, 3, 5, 6, 16-18 and 20, as amended, are not anticipated or obvious in view of Melton, JP 57152438, Beal, or unpatentable in view of Application No. 10/744,326. Reconsideration is respectfully requested.

Claim 1, as amended, recites a solder composition including an alloy comprising tin (Sn) and silver (Ag). A granular additive pretreated with flux added to the granular additive is included, and is at least about 3% of the solder composition by weight. Only the granular additive is pretreated with flux, and comprises a nickel iron alloy with about 36% nickel (Ni) and about 64% iron (Fe), by weight. The pretreated granular additive is in granular form within said alloy and is wetted with the alloy by the flux. Claim 16, as amended, recites a solder composition including a granular material having a material of a low coefficient of thermal expansion.

Claim 1 has been amended to recite "a granular additive pretreated with flux added to the granular additive", "only the granular additive being pretreated with flux", and "the pretreated granular additive being in granular form within said alloy and being wetted with the alloy by the flux". Claim 16 has been amended similarly. Support for these amendments is found at least in FIGs. 1 and 2 and on Page 6, line 21 through Page 7, line 2, of the Specification as originally filed. In addition, Claim 20 is amended to be dependent upon Claim 16.

Claims 1, 3, 5, 6, 16-18 and 20, as now amended, claim subject matter not disclosed in copending Application No. 10/744,326, and are patentably distinct over Claims 1 and 3-6 of copending Application No. 10/744,326, thereby overcoming the nonstatutory obviousness-type double patenting rejection.

In the claimed invention, the use of a granular additive with a low coefficient of thermal expansion that remains in granular form within a lead free solder, such as a tin silver alloy, can allow the solder to be used for soldering to a glass substrate. Granules of the granular additive that are evenly dispersed in the solder alloy and remain in granular form can combat thermal shock to the glass substrate and can prevent the solder from separating from the glass substrate or prevent cracking of the glass substrate. However, obtaining proper mixing and an even dispersion of the granular additive (for example, formed of a nickel iron alloy), within a tin silver alloy typically cannot be obtained by merely mixing the tin, silver and granular additive together and melting, as is the common method for forming solder compositions. Mere mixing and melting of the tin, silver and granular additive can result in poor mixing and/or clumping of the granular additive, and therefore, little or uneven dispersion of the granular additive within the solder alloy. An even dispersion of the granules is desired for use with glass, since little or uneven dispersion of granular additive can result in the solder separating from or cracking the glass.

The Applicants have found that by pretreating only the granular additive, for example, formed of a nickel iron alloy, with flux added to only the granular additive before mixing the granular additive with a molten tin silver alloy, the granular additive can easily wet with the solder and mix in and remain in granular form within the molten alloy in a generally evenly dispersed manner. Having the tin silver alloy already in a molten form before the granular additive is added can aid in evenly dispersing the granules of the granular additive.

In contrast, Melton discloses a tin, bismuth, gold (or silver) and flux paste which is melted together during reflow. All of the elements melt, so that none of the elements remain in granular form within an alloy. In addition, Melton does not disclose pretreating only a granular additive as claimed, and does not address issues of evenly dispersing a granular additive.

JP 57152438 discloses a thermal expansion regulating material having Fe-Ni (iron nickel) alloy powder surface coated with Mo (molybdenum) or W (tungsten) that is mixed with Cu (copper) powder, and compressed and sintered. A compressed sintered product is not melted to a level that causes mixing to form molten alloy. Instead the particles attach to each other to form

the desired shape. In addition, the nickel iron powder is not included within a tin silver alloy in a granular form.

It would not also be obvious or considered desirable by one skilled in the art to combine Melton with JP 57152438 to obtain an amount of iron nickel in a solder composition that is at least about 3% of the solder composition by weight. Although the Examiner pointed out that the impurities on page 429 of Beal are under the category of leaded solders, the bottom part of page 4 of the reference "Tin in Coating's" cited by the Applicant specifies that iron and nickel are not naturally present in solder alloy. Although an example is given of the presence of iron nickel resulting in non desirable properties in tin-lead solders, the statements regarding limiting iron and nickel levels to a maximum of .02% is not limited to only tin-lead solders. In comparison, the 3% nickel iron level specified in Claim 1, as amended, is 150 times greater than this recommended .02% nickel iron maximum limit. Consequently, "Tin in Coatings" teaches against combining Melton with JP 57152438.

Accordingly, Claims 1, 5, 6, and 16-18, as amended, are not obvious in view of Melton and JP 57152438 since it would not be obvious to combine the two references, and since neither reference, alone or in combination, teach or suggest "an alloy comprising tin (Sn) and silver (Ag); and a granular additive pretreated with flux added to the granular additive, which is at least about 3% of the solder composition by weight, only the granular additive being pretreated with flux and comprising a nickel iron alloy comprising about 36% nickel (Ni) and about 64% iron (Fe), by weight, the pretreated granular additive being in granular form within said alloy and being wetted with the alloy by the flux," as recited in base Claim 1, as amended, or "an alloy comprising tin and silver; and a granular additive pretreated with flux added to the granular additive and comprising a material having a low coefficient of thermal expansion and being at least about 3% of the solder composition by weight, only the granular additive being pretreated with flux, the pretreated granular additive being in granular form in said alloy and being wetted with the alloy by the flux," as recited in base Claim 16, as amended. Therefore, Claims 1, 5, 6, and 16-18, as amended, are in condition for allowance. Reconsideration is respectfully requested.

Beal discloses on Page 434 typical inorganic flux constituents, including zinc chloride, ammonium chloride and hydrochloric acid, which function well with torch, oven, resistance or induction soldering methods. Page 429 of Beal teaches that iron and nickel are not normally present in solder alloys, and specifications usually limit the iron and nickel content to a

maximum of .02%. In addition, severe reductions in wetting properties have been observed with higher levels. Beal teaches against adding a nickel iron granular additive in an amount that is at least about 3% of a tin silver alloy, and suggests that it can not be accomplished. Although the Examiner points out that page 429 of Beal is directed to leaded solders, it can be seen in view of "Tin in Coatings" that such teachings are not solely for leaded solders.

Accordingly, Claims 3 and 20 are not obvious in view of Melton, JP 57152438 and Beal, since none of the references, alone or in combination, teach or suggest "an alloy comprising tin (Sn) and silver (Ag); and a granular additive pretreated with flux added to the granular additive, which is at least about 3% of the solder composition by weight, only the granular additive being pretreated with flux and comprising a nickel iron alloy comprising about 36% nickel (Ni) and about 64% iron (Fe), by weight, the pretreated granular additive being in granular form within said alloy and being wetted with the alloy by the flux," as recited in Claim 1, as amended, and "an alloy comprising tin and silver; and a granular additive pretreated with flux added to the granular additive and comprising a material having a low coefficient of thermal expansion and being at least about 3% of the solder composition by weight, only the granular additive being pretreated with flux, the pretreated granular additive being in granular form in said alloy and being wetted with the alloy by the flux," as recited in Claim 16, as amended. Therefore, Claims 3 and 20 are in condition for allowance. Reconsideration is respectfully requested.

**CONCLUSION**

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 

Darrell L. Wong

Registration No. 36,725

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: September 25, 2007